



City of Mukilteo, Washington  
**Notice of Decision**  
**for**  
**Mukilteo Memory Care at**  
**4686 Pointes Drive**

The City of Mukilteo has issued a Notice of Decision for a Project Permit as required by Regulatory Reform Act (RCW 36.70B.130) and Mukilteo Municipal Code (MMC 17.13.080), and has **APPROVED** the following project:

**Project Name:** Mukilteo Memory Care

**Proponent:** David Fey of Jensen Fey Architecture on the behalf of HSP Harbour Pointe, LLC

**Project Number:** PPR-2016-004

**Description of proposal:** Construction of a two-story wood framed structure approximately 44,000 square feet to be used as a 52-unit memory care facility on a 1.51 acre vacant lot in the PCB(S) zoning district with associated grading, drainage improvements, parking, landscaping, and street frontage improvements.

**Project Location:** PAR 1 CITY OF MUK BLA REC AFN 200203280007 & SURV REC AFN 200203285004; otherwise known as 4686 Pointes Drive, Mukilteo, Washington.

**Notice of Decision Date:** Thursday, September 22, 2016

**End of Appeal Period:** Thursday, October 6, 2016

**Project Permit Expiration Date:** September 22, 2019

**Project Decision:** Approved

**Project Decision**

Staff administratively reviewed this project for consistency with the policies, standards, and regulations of the City of Mukilteo. After considering comments by the public or other agencies, the project permit is hereby approved with conditions based on the following Findings of Fact, and subject to the following Conditions of Project Approval:

## **FINDINGS OF FACT**

1. The applicant submitted an application for construction and site development of a two-story wood framed commercial structure approximately 44,000 square feet to be used as a 52-unit memory care facility with associated grading, parking, landscaping, and street frontage improvements. The application was determined to be complete on June 1, 2016.
2. In accordance with Mukilteo Municipal Code (MMC) 17.13, a Notice of Application was issued on June 14, 2016, and the project was circulated for review in accordance with the City's normal review and permitting procedures.
3. The property is designated Commercial per the 2015 City of Mukilteo Comprehensive Plan. The proposal complies with the intended goals, objectives and policies of the Comprehensive Plan. The following Comprehensive Plan Land Use (LU) and Urban Design Policies apply to this project:
  - LU2d: New development and redevelopment shall provide housing, increased opportunities for employment, services, retail options, recreational activities, and enjoyment of the arts compatible with and complementary to the residential character of the neighborhoods.
  - HO5: A wide variety of housing options should be encouraged in the city's residential and mixed-use zoning districts to meet demands for housing, including affordable housing.
  - TR5: Preservation of street pavement and construction of street improvements shall be guided by a systematic methodology that promotes efficiency and cost-effectiveness.
4. The subject property is located at 4686 Pointes Drive and is zoned Planned Community Business-South (PCB(S)).
5. The proposed development of a commercial building is a permitted use in the PCB(S) zoning district.
6. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed development. A SEPA Addendum was issued on July 27, 2016, for the proposal. The SEPA Addendum was based on the SEPA Checklist dated June 1, 2016. No appeal of the SEPA determination was submitted and the threshold determination stands as issued.
7. Staff administratively reviewed this project for consistency with all applicable requirements of the Mukilteo Municipal Code that apply to the subject property. Based on this review, it has been determined that development of the site will conform to all applicable zoning and development standards, and that as conditioned, the project will have no adverse impacts to the public health, safety and general welfare.
8. Staff administratively reviewed this project for consistency with all applicable requirements of the Sector 15 PCB(S) Development Agreement dated October 20, 1998 that apply to the subject property. Based on this review, it has been determined that development of the site

will conform to all applicable zoning and development standards, and that as conditioned, the project will have no adverse impacts to the public health, safety and general welfare.

9. The proposal complies with use, area, lot dimension, landscaping and parking requirements of the Sector 15 PCB(S) Development Agreement:

Regulation	Requirement	Submitted
Land Use: Exhibit 2.1	Nursing and personal care facilities	Memory care facility
Height: Exhibit 2.2.1	45'	36'
Setbacks: Table 2.2.1a	Rear – N/A Side yard – N/A Streets – N/A	Rear – 20' Interior – 79'  Streets: <ul style="list-style-type: none"> <li>• Harbour Reach Drive - 25'</li> <li>• Harbour Pointe Blvd. - 25'</li> </ul>
Lot Coverage Exhibit 2.2.1	No maximum limit	39%
Parking: Exhibit 2.2.3	Parking for Unspecified Uses. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined according to the City of Mukilteo Code, Section 17.56.050.	The applicant submitted a parking study. 29 stalls are being proposed.
Landscaping: Exhibit 2.2.2	<u>Harbour Reach Drive</u> 25' wide Type I <ul style="list-style-type: none"> <li>• Trees = 1 per 10 LF of Streetscape 28 Evergreen Trees Required</li> <li>• Shrubs = 1 per 5 LF of Streetscape 56 Shrubs Required</li> </ul> <u>Harbour Pointe Blvd.</u> 25' wide Type II <ul style="list-style-type: none"> <li>• Trees = 1 per 20 LF of Streetscape 9 Deciduous and Evergreen Trees Required</li> <li>• Shrubs = 1 per 5 LF of Streetscape 37 Shrubs Required</li> </ul>	<ul style="list-style-type: none"> <li>• 28 Evergreen Trees</li> <li>• 56 Shrubs</li> <li>• 9 Trees</li> <li>• 37 Shrubs</li> </ul>
Parking Lot Landscaping: Exhibit 2.2.2	<ul style="list-style-type: none"> <li>• One (1) tree for every six (6) parking stalls. Minimum of 2' in caliper.</li> <li>• Three (3) shrubs for every 150 square</li> </ul>	The landscape plan meets the requirements outlined in the Sector 15 Development Agreement and the

Regulation	Requirement	Submitted
	<p>feet of parking island.</p> <ul style="list-style-type: none"> <li>• Evergreen ground covers shall be planted to achieve 90% coverage within 3 years of the time of planting. Lawn may be used in lieu of shrubs and ground covers for parking islands exceeding 200 square feet in area.</li> <li>• A landscape island shall be provided at the end of parking aisles.</li> <li>• The total of all interior landscaped areas shall be equal to or greater than 10% of the total parking lot area.</li> <li>• The first five (5) feet in width of perimeter landscaped areas abutting public rights of way may count towards the requirement.</li> </ul>	<p>landscape proposed for the parking lot consist of:</p> <ul style="list-style-type: none"> <li>• 5 parking lot trees at 2" caliper</li> <li>• 13 shrubs</li> <li>• A landscape island is provided at the end of the parking aisles.</li> <li>• 43% of the total parking area landscaped</li> </ul>
Outside Storage: Exhibit 2.2.3	<p>Outside Storage shall:</p> <ul style="list-style-type: none"> <li>• Provide an architectural screen a minimum of one (1) foot in height greater than the tallest portion of the Container.</li> <li>• Building walls may be used to partially satisfy this requirement.</li> <li>• Walls shall be constructed of metal, concrete, and/or masonry units.</li> <li>• Wood may be used for doors, gates, trellises, and other architectural screening elements.</li> </ul>	<p>The outside storage shall meet the requirements outlined in the Sector 15 Development Agreement and consist of walls constructed of metal, concrete, and/or masonry units with a site obscuring agate made of metal and/or wood. Chain link fences with slats are prohibited.</p>

10. On site storm water detention meets the City's design standards per the Washington State Department of Ecology's Stormwater Management Manual for Western Washington (2014).
11. Utilities are available to serve the subject property. Water is available from the Alderwood Water District. Sewer is available from the Alderwood Sewer District. Electricity is available from Snohomish County PUD. Natural Gas is available from Puget Sound Energy.
12. Development of the site will be subject to the requirements of the 2015 International Building Code.
13. The property lies outside the 55 DNL noise contour of Paine Field Airport.

14. Staff administratively reviewed this project for consistency with applicable requirements of Mukilteo Municipal Code 15.04.040.3, adopted 2015 International Fire Code and Mukilteo Fire Development Standards (2015 IFC) that apply to the subject property.
15. Staff administratively reviewed this project for consistency with all applicable requirements of Mukilteo's Development Standards (Resolution 99-02 and Amending Resolutions 01-21, 07-14, 08-22 and 09-15), including but not limited to drainage, clearing, grading, erosion control, access and street standards.
16. The applicant obtained a Certificate of Concurrency from the City prior to permit issuance in accordance with Ordinance 1131, effective July 27, 2005.

#### **CONDITIONS OF PROJECT APPROVAL**

1. All improvements shall be constructed in accordance with the approved civil construction drawings dated August 16, 2016 and approved Site Plan dated June 1, 2016. Minor modifications of the plans submitted may be approved by the Planning Director or Public Works Director if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. All development shall proceed in accordance with the Sector 15 PCB(S) Development Agreement.
3. Landscaping shall be installed in accordance with the approved landscaping plan dated August 16, 2016, and shall be subject the following:
  - a.) All landscaping associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be fifteen (15) percent of the costs of the improvements, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
  - b.) All landscaping shall be maintained in healthy growing condition. A final landscape inspection will be performed at the end of the two (2)-year period and any dead, dying or diseased plant material shall be replaced.
  - c.) Minor modifications of the landscaping plans submitted may be approved by the Planning Director if the modifications do not change the findings of fact or the conditions of approval.
4. The clearing limits of the approved Site Plan shall be clearly delineated in the field. Where such limits are in proximity to property boundaries or associated with site-sensitive areas, barrier fencing or siltation fencing shall be installed before site disturbance in accordance with the approved Temporary Erosion and Soil Control Plan.
5. Siltation and erosion control measures shall be employed per the approved Temporary Erosion and Sediment Control Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the current DOE Stormwater Management Manual for Western Washington

and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).

6. All development shall proceed in accordance with the recommendations listed in the Geotechnical Report dated May 20, 2016, prepared by Associated Earth Sciences, Inc. The cost of special inspections, if any, as recommended by the report shall be the responsibility of the applicant.
7. The stormwater detention design and stormwater discharge shall utilize the Best Management Practices of the current DOE Stormwater Management Manual for Western Washington and the current Department of Ecology National Pollutant Discharge Elimination System (NPDES).
8. A one (1) year performance bond for inspections, followed by a two (2) year maintenance bond will be required for the water quality treatment system proposed on the site shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
9. Evidence that Baysavers LLC has agreed to collect maintenance and inspection data for the first year of this, after installation, as required under the Conditional Use Level Designation by Ecology shall be submitted to the City.
10. A recorded Declaration of Covenant for stormwater facility maintenance and permanent access easement for the city to inspect stormwater facilities shall be submitted to the City prior to Final Inspection.
11. Prior to Certificate of Occupancy, the sewer easement with AWWD shall be relinquished. The easement relinquishment shall be recorded with Snohomish County and a copy provided to the City before a C of O shall be issued.
12. A traffic control plan shall be submitted and approved by the City prior to work starting on Harbour Pointe Boulevard SW for the bike shelter and Harbour Reach Drive for the manhole installation and sewer tie in.
13. All public improvements associated with a project permit shall require the submittal of an acceptable warranty surety to warrant all required improvements against defects in labor and materials for a period of twenty-four (24) months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements and installation, as determined by the City. The surety shall be submitted to and approved by the City of Mukilteo and executed before occupancy of the building.
14. The location of signs on approved plans is for illustrative purposes only. Pursuant to Mukilteo Municipal Code 17.80, a sign permit must be obtained for the placement of any non-exempt signage. Application for that sign permit shall include an approved site plan specifying the location of all signs.
15. All outside storage containers, including dumpsters, shall be enclosed by a sight obscuring fence.
16. All exterior lighting, including the parking area and property surrounding the building, shall be arranged so as to reflect away from surrounding properties and streets.

17. The applicant shall enter into a "Developer Extension Agreement" with the Alderwood Water & Wastewater District. All construction of water and sewer facilities shall be in accordance with the standards, specifications and regulations of the District.
18. All mailbox locations must be approved and signed off by the U S Postal Service prior to permit issuance. Please contact the Growth Management Coordinator at 425.514.9843 to arrange an appointment.
19. The cost of any work, new or upgrade, to the existing electric system and facilities that is required to connect the project to the Snohomish County PUD electric system shall be in accordance with applicable Snohomish County PUD policies.
20. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with Fire Code Development Standards and 2015 International Fire Code:
  - A water supply capable of supplying the required fire flow for fire protection must be provided;
  - Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
  - Fire hydrants shall be equipped four- (4) inch quarter-turn Storz adapters;
  - An access route, for fire fighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
  - All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads;
  - Fire protection systems including, but not limited to the following: sprinkler systems, standpipe systems, fire extinguisher systems, fire hydrants, and fire detection or alarm systems shall be installed in accordance with Fire Code Development Standards and 2015 International Fire Code;
  - Provide a Washington State certification number for any work done on fire protection systems, i.e. sprinkler systems, standpipe systems, fire detection/alarm systems or any underground for the fire protection system;
  - One (1) blue, square (Type II) raised grade or permanent marker shall be installed in the roadway to indicate each fire hydrant location. It shall be placed directly across from the hydrant location, off set one (1) foot from the roadway center toward the hydrant.
21. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Mukilteo.
22. All contractors and subcontractors working on the project described herein shall obtain a business license from the City before initiation of any site work.

23. If at anytime during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
24. Noise from construction activity that is audible beyond the property lines shall not be allowed between the hours of ten (10) p.m. to seven (7) a.m. on weekdays, and ten (10) p.m. to nine (9) a.m. on weekends and holidays.
25. The applicant and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting the project.
26. The applicant shall have a licensed Civil Engineer prepare and/or supervise the preparation of As-Built drawings to be reviewed, approved and signed by the City Engineer upon satisfactory installation of the constructed infrastructure improvements and site work. One (1) reproducible, one (1) signed Mylar drawing and one (1) 11"x17" reduced copy of the drawings shall be submitted prior to final approval of the proposed project.

The project permit shall be valid for three (3) years from the date of this Notice of Decision. If a building permit, grading permit, or occupancy permit is not obtained within this period, the project permit shall become null and void, and a new project permit application would need to be submitted. The Planning Director may grant an extension to the approval date for a period of one (1) year if such is requested prior to the expiration of the project permit.

Any violation of the Conditions of Approval shall be considered a violation of the project permit and shall be subject to the City's code enforcement procedures.


### **Appeals**

A Party of Record must file an appeal of this project decision within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals must be delivered to the City Clerk by mail, personal delivery, or other method, during normal business hours by **4:30 p.m., Thursday, October 6, 2016**, at City Hall, 11930 Cyrus Way, Mukilteo, WA 98275. Appeals shall be in writing on the approved form with the required information provided, accompanied by an appeal fee as outlined in the city's most current fee resolution, and shall include the appellant's signature.


*Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the Snohomish County Assessor's Office at (425) 388-3433.*

**Contact Person:** Anita Marrero

**(425) 263-8044**

  
Anita Marrero  
Planning Department

9/19/16  
Date:

  
Rob McGaughey, P.E.  
Public Works Director

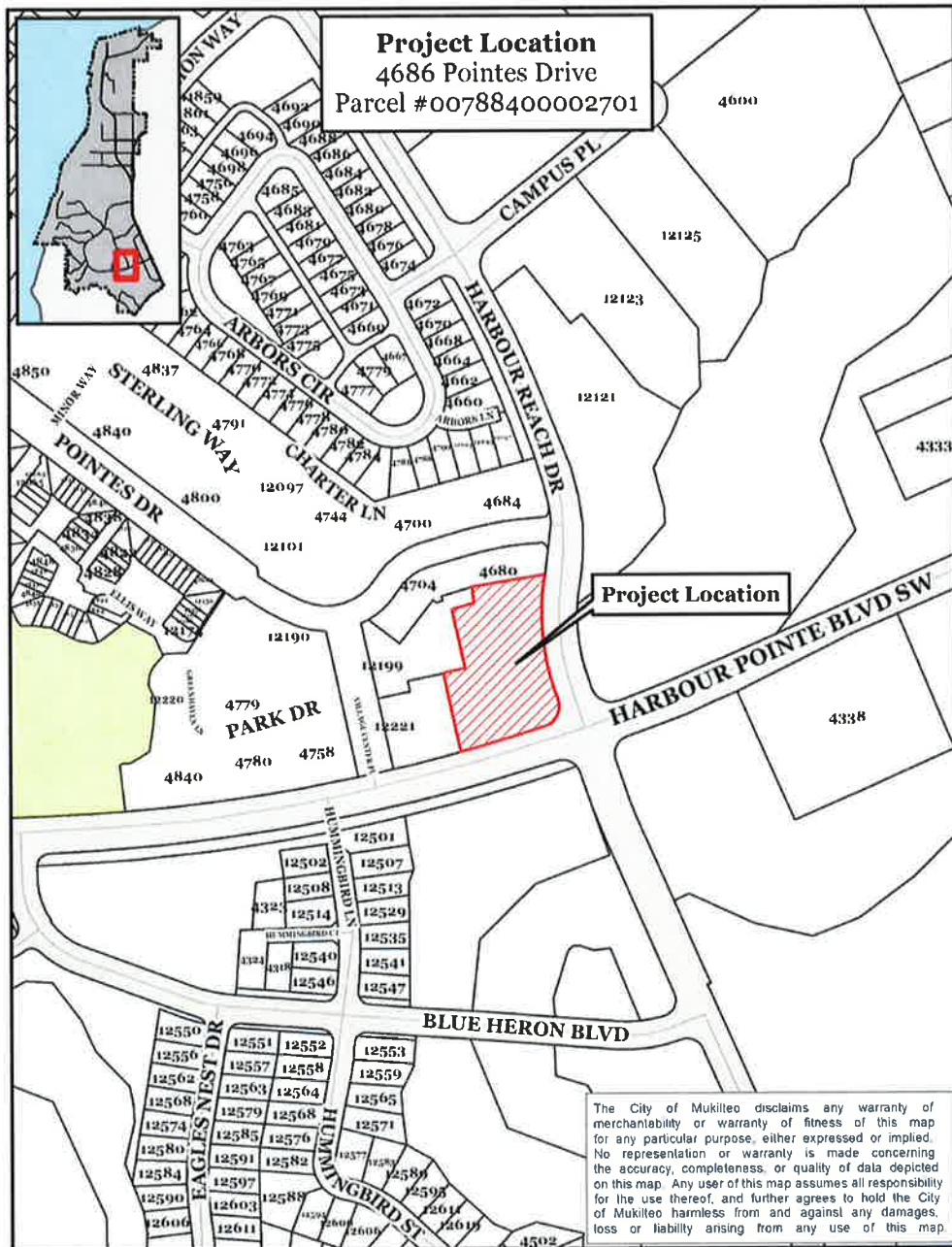
19 Sep 16  
Date:

  
Willie Berns  
Building Official

9/19/16  
Date:

  
Roger Rudikoff  
Fire Marshal

9/19/16  
Date:



**Location Map**

pc:	Applicant	Planning Director	Permit Services Technicians (2)
	Property own. w/i 300 ft.	CDD Administrator	SEPA File
	Parties of Record (if any)	City Administrator	File Copy (2)
	Review Agencies	Permit Services Supervisor	